

*JRW*  
PATENT

Customer Number 22,852  
Attorney Docket No. 7040.0075.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 17 2006  
PATENT & TRADEMARK OFFICE

In re Application of: )  
Renato CARETTA ) Group Art Unit: 1733  
Application No.: 10/616,977 ) Examiner: Justin R. Fischer  
Filed: July 11, 2003 ) Confirmation No.: 2872  
For: TYRE FOR A VEHICLE WHEEL )

**TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Enclosed are substitute Terminal Disclaimers for the Terminal Disclaimers filed on January 13, 2006, in reply to the Office Action of July 14, 2005. The substitute Terminal Disclaimers are being filed in the event that the United States Patent and Trademark Office does not accept the Terminal Disclaimers filed on January 13, 2006, which were which signed by Roger P. Bonenfant (Reg. No. 58, 030) who is not listed on the Declaration associated with this matter. The undersigned is listed on that Declaration. A petition for a three-month extension of time was filed on January 13, 2006, extending the period of response through January 17, 2006 (January 14, 2006, being a Saturday and January 16, 2006, being a Federal Holiday). The items checked below are attached:

- Terminal Disclaimer (U.S. Patent No. 6,814,119 B2) (3 pages)
- Terminal Disclaimer (U.S. Patent No. 6,899,154 B2) (3 pages)
- Terminal Disclaimer (U.S. Patent No. 6,457,504 B1) (3 pages)
- Terminal Disclaimer (U.S. Patent No. 6,763,868 B1) (3 pages)

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Dated: January 17, 2006

By:

*Albert J. Santorelli*  
Albert J. Santorelli  
Reg. No. 22,610



PATENT  
Customer No. 22,852  
Attorney Docket No. 07040.0075-01

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, **PIRELLI PNEUMATICI S.P.A.**, duly organized under the laws of Italy and having its principal place of business at **Viale Sarca 222 - 20126 MILANO, ITALY**, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. **10/616,977**, filed **July 11, 2003** for **TYRE FOR A VEHICLE WHEEL** in the names of Renato Caretta, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel **011752**, Frame **0231** on **April 30, 2001**. Assignee, **PIRELLI PNEUMATICI S.P.A.**, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. **6,763,868 B1**, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel **010159**, Frame **0436** on **July 30, 1999**.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. **6,763,868 B1**, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an

extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 17, 2006

By: 

Albert J. Santorelli  
Reg. No. 22,610